

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

**COMPLAINT AGAINST:**

**HON. FRANK R. DEL VERO**  
Judge, 53<sup>rd</sup> District Court  
204 S. Highlander Way  
Howell, MI 48833

**FORMAL COMPLAINT NO. 75**

**VERIFIED ANSWER**

In response to the Complaint filed against me dated March 24, 2004, Respondent states as follows:

1. Admitted.

**Count I  
SEXUAL HARASSMENT**

2. Respondent admits that on January 11, 2001, Susan LeuVoy, Respondent's judicial secretary/court recorder, spoke to Respondent in chambers about obtaining a salary increase.

Respondent denies making statements that conveyed the idea that in order to receive a raise, Ms. LeuVoy would have to perform oral sex on Respondent in order to

obtain a salary increase and further denies making any suggestions of such a nature or implying that she perform a sexual act in order to receive a salary increase.

Further, Respondent denies the use of statements attributed to and alleged against him by Ms. LeuVoy and further denies making a gesture with his hands indicating that in order to receive a raise, she would be expected to perform oral sex on Respondent. Respondent further denies stating words to the effect he was "dead serious."

Respondent did get upset with Ms. LeuVoy's continued efforts to be singled out for a pay raise from the other secretaries/court recorders and reminded her that her salary was controlled by the union contract she had with Livingston County.

Respondent further states that even if the allegations made by Ms. LeuVoy were true, which they are not, Respondent could not have unilaterally secured a pay raise for Ms. LeuVoy because of the union contract and that fact was known by Ms. LeuVoy.

In other words, there could not have been any *quid pro quo*, sex for salary increase, and therefore there was no basis to seek out a sexual act in return for an increase in salary since a salary increase was not something Respondent could either promise or secure, a fact well known by Ms. LeuVoy.

Any gesturing by Respondent such as placing his hands on the desk preparatory to rising out of his chair could not and should not have been misinterpreted as an offensive gesture in any way nor intended to be suggestive.

3. Denied as being untrue.

4. The conduct alleged in the above paragraphs would, "if true," constitute violations as set forth in subparagraphs (a)-(h). Respondent denies that his conduct violated the authorities cited.

## Count II INAPPROPRIATE COMMENTS REGARDING SEX

5. Respondent admits that on rare occasions he has made in years past comments about the appearance or apparel of women at the Court or appearing in Court, but denies any intent that such comments were intended to have any inappropriate sexual implications or connotations. Any comments were directed solely to the person spoken to. Any such conversations were intended to be in the privacy of the person spoken to and Respondent and not intended to be public in nature whether in the privacy of Respondent's chambers or hallways of the Court or clerk's office.

Any comments made by Respondent about the appearance of some women and/or their apparel were more by way of observation, and were intended to be critical comments rather than sexual in nature.

The plain fact and reality is that some women choose to dress in a revealing or inappropriate way in a public setting and should be discouraged from such conduct on their part.

If anyone by chance overheard any comments which they considered inap-



propriate, no one ever communicated to Respondent that they took offense in any comments that were made.

6. Respondent admits to occasional use of the terms described but denies any inappropriate reference to physical characteristics of women who had business at the Court or who appeared before Respondent.

Respondent has heard usage of the terms and expressions alleged being made by others and in particular his long-time secretary/court recorder. If, on occasion, Respondent used those terms it was more by way of repeating the term, which he should not have done. Guilt by association may be the better way to describe any reference to those terms by others.

7. Denied as being untrue. On occasion Respondent may have made reference to terms used by others on late night talk shows without reference to others in the workplace.

8. Denied as being untrue.

9. Respondent admits use of the phrase alleged and quoted in paragraph 9. Further, any use of similar type language was rare and intended solely for the person addressed in the privacy of Respondent's chambers. Ms. LeuVoy never complained to Respondent about discussing such matters in the privacy of Respondent's chambers where such discussions were intended to be confidential and private.

10. Respondent denies informing Susan LeuVoy of an incident involving Denise Ambrosiak. Respondent's recall is that the incident was relayed to him by Ms. Ambrosiak

and was intended to be a private discussion. Any knowledge by Ms. LeuVoy regarding the incident must have come from Ms. Ambrosiak herself. Respondent does not believe that he used the phrase quoted in paragraph 10 and believes he did not discuss the incident with Ms. LeuVoy.

11. Admitted. This statement was made in the context of a mutual relationship that existed over a period of approximately twenty-two (22) years where each party felt comfortable in engaging in conversations that were intended to be private in nature between people who regarded each other as "family" and such conversations were intended solely for people who regarded each other as close friends.

12. Respondent denies making statements that stated Bucilla Carroll had an inappropriate relationship with the Honorable Stanley Latreille.

Respondent may have speculated about the validity of ugly or nasty rumors that others within county employment may have engaged in noting that he did not believe any such rumors to be true and how unfortunate it was that such rumors were being made by anyone.

Further, neither of us believed the rumors to have had any validity because it described behavior that we both believed was totally inconsistent with the moral standards of either the Judge or the lady associated by name with him.

To the extent that Respondent was drawn into discussions about rumors concerning other Court personnel and whether there could be any validity to such rumors that



speculated about possible sexual relations, Respondent apologizes as it was never intended to foster or promote rumors concerning any Court personnel. Respondent made clear that he did not believe there was any validity to any such rumors and believed them to be unfounded. To Respondent's knowledge, those who were the subject of rumors were people of good character and unlikely to have engaged in conduct of the nature discussed.

13. Respondent denies making statements that stated Melissa Scharrer had an inappropriate relationship with the Honorable Stanley Latreille.

Respondent may have speculated about the validity of ugly or nasty rumors that others within county employment may have engaged in noting that he did not believe any such rumors to be true and how unfortunate it was that such rumors were being made by anyone.

Further, neither of us believed the rumors to have had any validity because it described behavior that we both believed was totally inconsistent with the moral standards of either the Judge or the lady associated by name with him.

To the extent that Respondent was drawn into discussions about rumors concerning other Court personnel and whether there could be any validity to such rumors that speculated about possible sexual relations, Respondent apologizes as it was never intended to foster or promote rumors concerning any Court personnel. Respondent made clear that he did not believe there was any validity to any such rumors and believed them to be unfounded. To Respondent's knowledge, those who were the subject of rumors were people

of good character and unlikely to have engaged in conduct of the nature discussed.

14. Respondent denies making the comment attributed to him in the allegations contained in paragraph 14 or that he mimicked or acted out the victim's testimony. Respondent also notes that he has received a strong letter of support from Amy Ronayne, now Amy Krause, a District Judge, said letter having been sent by Judge Krause directly to the Commission and dated March 25, 2004.

15. Respondent denies the allegation as set forth in paragraph 15 and recalls no inappropriate sexual comments in the clerk's office nor having received any complaints from Mary Ellen Nygren, the Court Administrator.

Ms. Nygren never complained to Respondent about inappropriate comments made by Patrick McMacken. The complaints by Ms. Mygren were that Mr. McMacken would spend too much time in the clerk's office talking and that it was disruptive to others in getting their work done. Respondent denies telling Ms. Nygren to mind her own business. Respondent's belief is that as to any complaints made to Respondent about his law clerk, he stated that he would take care of whatever appropriate discipline may have been warranted under the circumstances as his law clerk was his responsibility.

16. Respondent admits that the conduct described above, "if true," would constitute violations of the authorities cited in paragraph 16 (a)-(h). Respondent denies that his conduct violated the authorities cited.

In further response to the allegations set forth in the Complaint, Respondent in-



corporates herein by reference as though fully set forth the following:

1. October 28, 2003 letter addressed to John L. Coté by Ruth E. Mason, stating in part:

"I concluded based on these interviews that there was NO evidence to support allegations of sexual harassment." (Emphasis added.)

"Finally, no other employee heard nor saw the Judge say or do anything that he or she thought was unprofessional or inappropriate."

As further stated by Ms. Mason:

"My firm is Corporation Counsel to Livingston County and provides legal counsel to the Court upon request. I was asked by the Chief Judge of the District Court to investigate allegations of sexual harassment against Judge Frank Del Vero by his secretary/court recorder."

2. All the letters sent to the Commission by either my attorney, John L. Coté, or sent directly to the Commission by those who have worked for me in the past which attest to my good character and professional demeanor while on or off the bench, and similar letters of support, all of which are contained in the Commission's files on this matter.

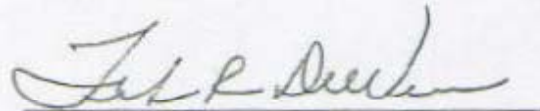
3. Respondent further states that any conduct on his part was not of such a nature as to constitute misconduct as that term is defined and intended by MCR 9.205 (C).

4. Conversations that were intended to be private were expected to remain private and not for consumption of others.



STATE OF MICHIGAN       )  
  ) SS  
COUNTY OF LIVINGSTON   )

Now comes Frank R. Del Vero, Respondent herein, and swears that the answers set forth herein are true and correct to the best of his knowledge and belief.



Frank R. Del Vero  
Judge, 53<sup>rd</sup> District Court

Subscribed and sworn to before me this 6th day of April, 2004.

X Patricia A. Okerson

Patricia A. Okerson

NOTARY PUBLIC, Oakland County, Michigan

My Commission Expires: 3-13-2005

Acting in Livingston County